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IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 12, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 11, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 109 BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RESOLVING THAT A CONDITION OF EXTREME PERIL EXISTS IN AND AROUND THE WATER BODIES OF THE STATE OF IDAHO, PROCLAIMING THAT A STATE OF EMERGENCY EXISTS WITHIN THE STATE OF IDAHO AND ASKING THAT DEFICIENCY WARRANT FUNDING AUTHORIZED BY THE IDAHO INVASIVE SPECIES ACT OF 2008, BE USED BY THE IDAHO STATE DEPARTMENT OF AGRICULTURE FOR PERSONNEL, EQUIPMENT AND FACILITIES FOR THE PERFORMANCE OF ANY AND ALL ACTIVITIES ASSOCIATED WITH QUAGGA AND ZEBRA MUSSEL PREVENTION, DEVELOPMENT AND IMPLEMENTATION OF INCIDENT RESPONSE PLANS AND INTERAGENCY AGREEMENTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, invasive species are a real and imminent danger to Idaho. Two nonnative species, quagga and zebra mussels, are moving inexorably toward Idaho; and

WHEREAS, quagga and zebra mussels were introduced to the Great Lakes in the late 1980s and have been a major fouling organism, causing billions of dollars in damage in that region; and

WHEREAS, the mussels were first detected in the West in 2007, and have rapidly expanded from Lake Mead, Nevada to California, Colorado, Arizona and Utah and, although the mussels are not yet established in Idaho, the waters of our state are extremely vulnerable; and

WHEREAS, should quagga and zebra mussels become established in Idaho, the financial impact to the region's extensive hydropower system and irrigated agriculture could exceed \$90 million annually due to the mussel's capacity to clog pipes, pumps and delivery systems; and

WHEREAS, the mussels also damage the hulls, props, and motors of boats and other watercraft, imposing additional costs and burdens on recreational boaters and would diminish the attraction of water-based recreation in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that given the urgency of the situation, and in light of the aforementioned, a condition of extreme peril exists in and around the water bodies of the state of Idaho.

BE IT FURTHER RESOLVED that the ability of the agencies and department of the state of Idaho to effectively prevent and control the spread of these mussels in the state is limited and, accordingly, under the authority of the Invasive Species Act of 2008, we proclaim that a state of emergency exists within the state of Idaho.

BE IT FURTHER RESOLVED that we ask that deficiency warrant funding authorized by the Idaho Invasive Species Act of 2008, be used by the Idaho state department of agriculture for personnel, equipment and facilities for the performance of any and all activities associated with quagga and zebra mussel prevention, development and implementation of incident response plans and interagency agreements.

[SCR 109](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 12, 2009

The JUDICIARY AND RULES Committee reports that [S 1147](#) and [S 1148](#) have been correctly printed.

DARRINGTON, Chairman

[S 1147](#) was referred to the Transportation Committee.

[S 1148](#) was referred to the State Affairs Committee.

March 11, 2009

The TRANSPORTATION Committee reports out [H 154](#), as amended, with the recommendation that it do pass.

MCGEE, Chairman

H 154, as amended, was filed for second reading.

March 11, 2009

The JUDICIARY AND RULES Committee reports out S 1140, H 107, H 179, and H 184 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1140, H 107, H 179, and H 184 were filed for second reading.

March 11, 2009

The HEALTH AND WELFARE Committee reports out S 1108 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, S 1108 was referred to the Fourteenth Order of Business, General Calendar.

March 11, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out S 1138 with the recommendation that it do pass.

HILL, Chairman

S 1138 was filed for second reading.

March 12, 2009

The AGRICULTURAL AFFAIRS Committee reports out H 101, H 125, H 126, and H 127 with the recommendation that they do pass.

CORDER, Chairman

H 101, H 125, H 126, and H 127 were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 11, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bill, to wit:

S 1052

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 11, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles L. Winder of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing March 10, 2009, and expiring April 11, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

March 11, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jerry Whitehead of Boise, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing March 10, 2009, and expiring January 30, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 12, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 45](#) and [H 35](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 45](#) and [H 35](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [SJM 101](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Werk, [SJM 101](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that [HCR 21](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Heinrich, seconded by Acting Senator Sagness, [HCR 21](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials****S 1149****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO AUTHORIZE THE FISH AND GAME COMMISSION TO ADOPT RULES GOVERNING THE COLLECTION OF FEES TO RECOVER COSTS RELATING TO THE PERFORMANCE OF CERTAIN TECHNICAL SERVICES PROVIDED BY THE DEPARTMENT REGARDING LAND AND WATER USE, TO PROVIDE GUIDELINES RELATING TO FEES COLLECTED AND TO PROVIDE FOR THE DEPOSIT OF FEES COLLECTED.

S 1150**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO ABANDONED MOTOR VEHICLES; AMENDING SECTION 49-1801, IDAHO CODE, TO PROVIDE FOR AN INFRACTION; AMENDING SECTION 49-1802, IDAHO CODE, TO PROVIDE FOR MAILING A CITATION; AMENDING SECTION 49-1803, IDAHO CODE,

TO PROVIDE THAT ANY AUTHORIZED OFFICER MAY TAKE CERTAIN VEHICLES INTO CUSTODY WHERE THE DRIVER HAS BEEN ARRESTED, TO PROVIDE FOR NOTICE, TO PROVIDE THAT AN ARRESTING OFFICER SHALL RECORD CERTAIN INFORMATION, TO PROVIDE THAT CERTAIN VEHICLE'S OWNER OR OWNER'S AGENT IS RESPONSIBLE FOR RECLAIMING SUCH VEHICLE, TO REVISE PROVISIONS RELATING TO NOTICE AND TO REVISE PROVISIONS RELATING TO CERTAIN VEHICLE APPRAISAL; AMENDING SECTION 49-1804, IDAHO CODE, TO PROVIDE THAT CERTAIN VEHICLES MAY BE REMOVED TO STORAGE, TO PROVIDE FOR NOTICE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-1805, IDAHO CODE, TO REVISE A CODE REFERENCE, TO PROVIDE A CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO NOTICE; AMENDING SECTION 49-1806, IDAHO CODE, TO PROVIDE FOR REMOVAL OF VEHICLES THAT HAVE BEEN ABANDONED ON REAL PROPERTY FOR A CERTAIN PERIOD OF TIME AND TO REVISE PROVISIONS RELATING TO THE REMOVAL OF AN UNAUTHORIZED OR ABANDONED VEHICLE PARKED OR OTHERWISE LEFT ON PRIVATE PROPERTY; AMENDING SECTION 49-1808, IDAHO CODE, TO PROVIDE FOR CERTAIN INVENTORY; AMENDING SECTION 49-1810, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF LOW-VALUED VEHICLES, TO PROVIDE THAT CERTAIN AUTOMOBILE PARTS DEALERS ACQUIRING A CERTAIN VEHICLE SHALL BE EXCUSED FROM CERTAIN FEES UNLESS SUCH VEHICLE IS RETITLED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1815, IDAHO CODE, TO REVISE PROCEDURE PROVISIONS RELATING TO THE DISPOSITION OF LOW-VALUED VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-1816, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISPOSITION OF LOW-VALUED VEHICLES TO AUTOMOBILE PARTS DEALERS AND TO MAKE TECHNICAL CORRECTIONS.

S 1151**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO PAYDAY LOANS; AMENDING SECTION 28-46-402, IDAHO CODE, TO PROVIDE THAT A PAYDAY LOAN MADE IN THIS STATE IN VIOLATION OF THE LICENSING REQUIREMENT OF THE DEPARTMENT OF FINANCE IS VOID, UNCOLLECTIBLE AND UNENFORCEABLE, TO PROVIDE THAT FOR ANY SUCH PAYDAY LOAN THE DEBTOR IS NOT OBLIGATED TO PAY THE PRINCIPAL OR ANY FEE ASSOCIATED WITH SUCH PAYDAY LOAN, TO PROVIDE PROCEDURES, AND TO PROVIDE FOR CEASE AND DESIST ACTIONS BY THE DIRECTOR OF THE DEPARTMENT OF FINANCE.

S 1152**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-802, IDAHO CODE, TO PROVIDE THAT

WORKER'S COMPENSATION BENEFITS PAYABLE TO A RESIDENT OF THIS STATE UNDER THE WORKER'S COMPENSATION LAWS OF ANY OTHER STATE SHALL NOT BE ASSIGNABLE AND SHALL BE EXEMPT FROM EXECUTION WITH EXCEPTIONS.

[S 1149](#), [S 1150](#), [S 1151](#), and [S 1152](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1089](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1130](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1134](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 55](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 38](#) and [H 44](#), by Health and Welfare Committee, were read the second time at length and filed for third reading, Consent Calendar.

[H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#), by Business Committee, were read the second time at length and filed for third reading.

[H 193](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1109](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1109](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes assumed the Chair.

[S 1112](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration.

Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk, Winder. Total - 30.

NAYS—Fulcher, McKague, Mortimer, Pearce, Smyser. Total - 5.

Total - 35.

Whereupon the President declared [S 1112](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Werk, by voice vote, the Senate adjourned at 12:02 p.m. until the hour of 10:30 a.m., Friday, March 13, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary